

RESOLUTION OF THE CASINO REINVESTMENT DEVELOPMENT AUTHORITY GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL TO REDEVELOP THE HISTORIC MORRIS GUARDS ARMORY LOCATED AT 10 SOUTH NEW YORK AVENUE IN THE CITY OF ATLANTIC CITY, BLOCK 151, LOT 15, UNDER APPLICATION 2015-08-1638

WHEREAS, pursuant to P.L. 2011, c. 18, as amended (the "Act"), the Casino Reinvestment Development Authority (the "Authority"): (i) designated the Atlantic City Tourism District by Resolution 11-25 adopted April 19, 2011, (ii) established the Land Use Regulation and Enforcement Division to, among other matter, hear applications for development in the Tourism District by Resolution 11-33 adopted April 19, 2011, and (iii) adopted the master plan, zoning and land use ordinances and regulations, and zoning maps approved by the City by Resolution 11-34 adopted April 19, 2011; and

WHEREAS, pursuant to Resolution 12-14 dated February 1, 2012, the Authority adopted the "New Jersey CRDA Atlantic City Tourism District Master Plan" prepared by Jones Lang LaSalle, LLC and dated February 1, 2012 (the "Master Plan") (as affirmed and readopted pursuant to Resolution 12-23 adopted February 21, 2012), subject to further comment and revision, which master plan shall become effective upon the adoption of design, development and land use regulations consistent therewith, and in accordance with N.J.S.A 5:12-220a, the Atlantic City Master Plan dated September of 2008 (as adopted by the CRDA pursuant to Resolution 11-34 dated April 19, 2011) shall remain effective for development applications received by the CRDA until adoption of such regulations; and

WHEREAS, Longacre New Jersey Properties, LLC (the "Applicant") seeks preliminary and final site plan approval pursuant to the Municipal Land Use Law P. L. 1975, c. 291 (C.40:55D-1 *et seq.*) to rehabilitate the existing 26,540 square foot building located at 10 South New York Avenue with commercial uses on the ground floor and four floors of residential apartments above, in the city of Atlantic City, Block 151, Lot 15, under application 2015-08-1638 (the "Application"); and

WHEREAS, on September 3, 2015, the Authority's Land Use Regulation and Enforcement Division convened a public hearing on the Application in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and the Act, and subsequently prepared and delivered the Hearing Officer's Report and Recommendation dated October 6, 2015 (the "Report"), incorporated herein by this reference and appended hereto as Exhibit "A"; and

WHEREAS, the Authority intends to adopt the findings, conclusions and recommendations of the Hearing Officer, as detailed in the Report; and

NOW THEREFORE, BE IT RESOLVED by the Casino Reinvestment Development Authority that:

1. The above recitals are incorporated herein, as if set forth in full.
2. Based on the record in this matter, Application 2015-08-1638 is hereby approved in accordance with the Hearing Officer's Report and Recommendation dated October 6, 2015.
3. A copy of this Resolution shall be immediately transmitted to the Governor. This Resolution shall take effect immediately but no action authorized herein shall have force and effect until the earlier of the passage of ten (10) days, Saturdays, Sundays and public holidays excepted, after the delivery of the copy to the Governor, or the Governor's approval.

I hereby certify that this document is a true and correct copy of Resolution 15-136 of the Casino Reinvestment Development Authority.



HOWARD J. KYLE, SECRETARY

MEETING OF OCTOBER 20, 2015

EXHIBIT "A" – HEARING OFFICER REPORT FOR APPLICATION 2015-08-1638



Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

EXHIBIT "A" TO RESOLUTION 15- , ADOPTED 10/20/2015

TO: Members of the Authority

FROM: Lance B. Landgraf, Jr., Land Use Hearing Officer

COPY: John F. Palmieri, Executive Director

SUBJECT: Hearing Officer's Report and Recommendation
Application 2015-08-1638
Longacre New Jersey Properties, LLC
Block 151, Lots 15
Preliminary and Final Site Plan

DATE: October 6, 2015

EXECUTIVE SUMMARY

On September 3, 2015, the Casino Reinvestment Development Authority (the "Authority") heard testimony and public comment on the above-subject application. The Applicant, Longacre New Jersey Properties, LLC (the "Applicant"), seeks preliminary and final site plan approval to redevelop the historic Morris Guards Armory located at Block 151, Lot 15 in the city of Atlantic City. The Applicant proposes to rehabilitate the existing 26,540 square foot building located at 10 South New York Avenue with commercial uses on the ground floor and four floors of residential apartments above.

During the hearing, the Applicant presented adequate evidence and testimony to satisfy the requirements of the Municipal Land Use Law for the grant of the requested relief. Specifically, the evidence and testimony demonstrated that the development proposal generally conforms to the site plan standards and technical requirements of the land use ordinances of the city of Atlantic City and no variances are required. Therefore, as more fully outlined below, the Applicant has met its burden for the relief requested under the

Page 1 of 4

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Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

Municipal Land Use Law and the Hearing Officer recommends that the Application be approved by the Authority.

INTRODUCTION

Application Information

Longacre New Jersey Properties, LLC
Block 151, Lots 15
CBD-Central Business District

A hearing on the Application was conducted in accordance with the requirements of the Open Public Meetings Act, the Municipal Land Use Law and P.L. 2011, c. 18.

Applicant seeks preliminary and final site plan approval to redevelop the historic Morris Guards Armory located at Block 151, Lot 15 in the city of Atlantic City. The Applicant proposes to rehabilitate the existing 26,540 square foot building located at 10 South New York Avenue with commercial uses on the ground floor and four floors of residential apartments above.

Evidence List

- A-1 Photo array and floor plans
- B-1 Letter from Adams, Rehman & Heggan Associates, Inc. dated August 28, 2015

FINDINGS OF FACT

Applicant seeks preliminary and final site plan approval to redevelop the historic Morris Guards Armory located at Block 151, Lot 15 in the city of Atlantic City. The Applicant proposes to rehabilitate the existing 26,540 square foot building located at 10 South New York Avenue with commercial uses on the ground floor and four floors of residential apartments above.

Page 2 of 4

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The attorney for the Applicant, Nicholas Talvacchia, Esq., introduced the application generally and provided background regarding the specific relief sought by the Applicant. He indicated that the proposed uses are permitted and that no variances are required.

The Applicant presented the testimony of John Longacre, the principal of Longacre New Jersey Properties, LLC. Mr. Longacre explained that the Applicant specializes in urban revitalization and has successfully redeveloped similar projects in the region. He noted that the Applicant's philosophy is to build a middle market in urban areas to attract people to live in the area year round and provide the commercial and retail services that sustain such living.

Mr. Longacre explained the types of commercial and retail uses that the Applicant intends to attract to the area, including restaurants, coffee shops and similar uses. He described the mix of residential units, as well as the layout and amenities to be included in the redevelopment. He noted that there will be a roof deck with views of the ocean.

Christine Cofone, P.P. of Cofone Consulting Group was qualified as an expert in professional planning and provided testimony on behalf of the Authority. Ms. Cofone opined that the proposed uses are permitted and that no variances are required for the development proposal. She testified that she supports the application for development.

William England of Adams, Rehman & Heggan Associates, Inc. was qualified as an expert in professional engineering and provided testimony on behalf of the Authority. Mr. England testified that the Applicant had responded to all of the issues in the Adams, Rehman & Heggen review letter by correspondence dated August 28, 2015, which was marked as Exhibit B-1. He questioned the Applicant regarding HVAC and trash and recycling issues, and the Applicant provided satisfactory responses. Mr. England supported the development proposal and the grant of the requested relief.

CONCLUSIONS OF LAW

Preliminary and Final Site Plan Approval

A land use agency's authority in reviewing an application for site plan approval is limited to determining whether the development plan conforms to the zoning ordinance and the

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Casino Reinvestment Development Authority Land Use Regulation and Enforcement Division

applicable provisions of the site plan ordinance. See Pizzo Mantin Group v. Township of Randolph, 137 N.J. 216 (1994).

Here, based on the evidence and testimony, the Applicant has demonstrated that development proposal generally conforms to the site plan standards and technical requirements of the land use ordinances of the city of Atlantic City.

RECOMMENDATION

For all of the foregoing reasons, the Hearing Officer recommends that the Application for preliminary and final site plan approval be approved. The grant of approval of this Application shall be expressly conditioned upon the Applicant complying with all conditions of prior approvals, satisfying all representations made by the Applicant or by others on its behalf during the course of the hearing on this matter before the Hearing Officer.

The grant of approval shall be further conditioned upon compliance with all applicable requirements of the city of Atlantic City Land Use Ordinances, or other City Ordinances, and the requirements of any City agency, board or authority. Any approval granted in accordance herewith shall be further expressly conditioned upon the Applicant obtaining all other necessary governmental approvals, and compliance with all Federal, State and local laws.

Page 4 of 4

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October 20, 2015

LONGACRE NEW JERSEY PROPERTIES, LLC (10 South New York Avenue - Preliminary and final site plan (LL))

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